

REMARKS

Claims 1-4, 6, and 11 are pending. Claims 1-4, 6, and 11 have been rejected. Claims 1 and 11 are in independent form and have been rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,244,021 (“Ausnit”). Applicant respectfully submits that Ausnit does not teach or suggest the claimed invention for at least two reasons.

First, independent claims 1 and 11 each state that the lengths of the fastener are presented to the substrate such that the lengths extend transversely to the length of the substrate. Ausnit on the other hand, teaches a method where a zipper is presented to a package such that the zipper extends longitudinally to the package. (See Ausnit at FIG. 7). Accordingly, Ausnit does not teach or suggest a method where the lengths of a fastener are presented to a substrate such that the lengths extend transversely to the length of the substrate as in the claims.

Second, independent claims 1 and 11, each state that the lengths of the fastener are located on the substrate by first attaching a flange portion of the fastener to the substrate so as to leave a body portion of the fastener free for movement relative to the substrate. In Ausnit, when the zipper is longitudinally attached to the package the body portion of the zipper is not free for movement relative to the package because both of the zipper’s flanges are sealed to the package. (See Ausnit at Col. 3, lines 49-51). Although the body may not be sealed to the package on account of the cavities 106 in the seal bars 104, the zipper has no freedom of movement relative to the substrate. Accordingly, Ausnit does not teach or suggest a method where the lengths of the fastener are located on the substrate by first attaching a flange portion of the fastener to the substrate so as to leave a body portion of the fastener free for movement relative to the substrate as in the claims.

The Office Action does not identify any disclosure in the cited patents that so much as suggests these features. Accordingly, the rejection under Section 103 is improper and should be withdrawn. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974) (all limitations set forth in a patent claim must be taught or suggested in the prior art to establish a prima facie case of obviousness). Because of the forgoing remarks, Applicant respectfully submits that claims 1 and 11 are in condition for allowance. Additionally, because claims 2-4, and 6

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depend from claim 1, Applicant respectfully submits that claims 2-4, and 6 are also in condition for allowance.

CONCLUSION

Applicant submits that this response puts the subject application in condition for allowance and requests favorable consideration. If the Examiner determines that a telephone conference would further the prosecution of this case, he is invited to telephone the undersigned at his convenience.

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/Harold H. Fullmer/
Harold H. Fullmer
Registration No. 42,560

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439